

**1 Lillian Salwasser (Estate)**

Case No. 07CEPR00104

Atty Matthai, Edith (for Craig A. Houghton – Objector)

Atty Manock, Charles K. (for George Salwasser/Executor of the Estate of Lillian Salwasser)

Atty Chielpegian, Michael S (for Marvin Salwasser/Administratoor with Will Annexed of Walter Salwasser Respondent)

Atty Wright, Janet L. (for George Salwasser/Executor)

Atty Farley, Michael L. (of Visalia, for Gary E. Salwasser - Beneficiary)

**Final Account and Petition for Distribution**

|                     |   |   |
|---------------------|---|---|
| Age:                | <p>George Salwasser is the Executor of the Estate. This hearing on Final Account and Petition for Distribution was set at the last 10/25/11 Status Hearing on the Amended and Restated First Account. Nothing has been filed since that last 10/25/11 hearing.</p> <p>By way of background, Executor's Status Report filed before the last hearing, states the following:</p> <ul style="list-style-type: none"> <li><i>Status Report and Reply to Supplemental Response, filed 10/24/11, by George Salwasser:</i> The purpose of this hearing was to determine whether any further accounting would be necessary as the PrC §850 petitions of the Lillian Salwasser Estate and Walter Salwasser Estate were settled by Settlement Agreement and Release entered into on 6/21/11. Based on the Settlement terms it appears no further accounting should be required for any account reported in the pending <i>Account</i> for accounts held in Decedent or her surviving spouse's names at the time of Decedent's death. The Probate Estate Account (opened after Decedent's date of death) and collections, if any, on Promissory Notes reported in the Account, would need to be supplemented through date of distribution (2 Notes are currently the subject of lawsuits); until there is determination as to the collectability on the Notes, tax matters cannot be finally determined. <b>A mediation is scheduled for 11/16/11 between George and Gary Salwasser; therefore, a continuance of 4 to 6 months is appropriate under the circumstances.</b></li> </ul> <p><u>As stated, the Court ordered and set for hearing the Final Account and Petition for Distribution.</u></p> <p><u>Need Final Account and Petition for Distribution.</u></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> At the 10/25/11 Status Hearing on the Amended and Restated First Account, this Court set the matter of the Final Account and Petition for Distribution for 2/27/12.</p> <p><i>As of 2/17/12, nothing further has been filed in this matter.</i></p> <p>1. Need Final Account and Petition for Distribution</p> |
| DOD:                |   |   |
|                     |   |   |
|                     |   |   |
| Cont. from 10-25-11 |   |   |
| Aff.Sub.Wit.        |   |   |
| Verified            |   |   |
| Inventory           |   |   |
| PTC                 |   |   |
| Not.Cred.           |   |   |
| Notice of Hrg       |   |   |
| Aff.Mail            |   |   |
| Aff.Pub.            |   |   |
| Sp.Ntc.             |   |   |
| Pers.Serv.          |   |   |
| Conf. Screen        |   |   |
| Letters             |   |   |
| Duties/Supp         |   |   |
| Objections          |   |   |
| Video Receipt       |   |   |
| CI Report           |   |   |
| 9202                |   |   |
| Order               |   |   |
| Aff. Posting        |   |   |
| Status Rpt          |   |   |
| UCCJEA              |   |   |
| Citation            |   |   |
| FTB Notice          |   |   |

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq); Failure to File Inventory and Appraisal**

|                                     |                      |  |   |
|-------------------------------------|----------------------|--|---|
| <b>DOD: 02/28/07</b>                |                      | <p><b>JANET PICARD</b>, was appointed Executor with no IAEA authority on 02/05/08 and Letters were issued on 02/21/08.</p> <p><b>Notice of Status Hearing filed 10/05/11</b> set this matter for status. The Clerk's Certificate of Mailing shows that the Notice of Status Hearing was mailed to Nancy Oehler, the Executor's counsel, on 10/05/11.</p> <p><b>Status Report of Executor and Petition to Continue Estate Administration</b> was filed 10/31/11 by Executor, and states:<br/>The Estate is not ready for distribution nor in a condition to be closed. The Petitioner has had some difficulty in ascertaining the assets of the decedent, however, an inventory of assets has now been prepared and submitted to the Probate Referee for valuation. The Petitioner estimates that it will need one year to close the administration of the estate and requests a continuance until November 2012.</p> <p><b>Inventory &amp; Appraisal filed 12/21/11.</b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>CONTINUED FROM 12/21/11</b></u><br/>Minute order from 12/21/11 hearing states: Rick Smith, appraiser, has asked for additional information.</p> <p>1. Need First Account and Petition for Final Distribution.</p> <p><u><b>Note:</b></u><br/>See Page 6 for a related matter.</p> |
| <b>Cont. from 11-14-11</b>          |                      |  |   |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |  |   |
| <input type="checkbox"/>            | <b>Verified</b>      |  |   |
| <input checked="" type="checkbox"/> | <b>Inventory</b>     |  |   |
| <input type="checkbox"/>            | <b>PTC</b>           |  |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |  |   |
| <input type="checkbox"/>            | <b>Notice of Hrg</b> |  |   |
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| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |  |   |
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| <input type="checkbox"/>            | <b>Letters</b>       |  |   |
| <input type="checkbox"/>            | <b>Duties/Supp</b>   |  |   |
| <input type="checkbox"/>            | <b>Objections</b>    |  |   |
| <input type="checkbox"/>            | <b>Video Receipt</b> |  |   |
| <input type="checkbox"/>            | <b>CI Report</b>     |  |   |
| <input type="checkbox"/>            | <b>9202</b>          |  |   |
| <input type="checkbox"/>            | <b>Order</b>         |  |   |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |  |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |  |   |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |  |   |
| <input type="checkbox"/>            | <b>Citation</b>      |  |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |  |   |
|                                     |                      | <p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 02/16/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 - Picard</b></p>   |   |

(1) Petition to have the Public Administrator Cited to Appear before the Court Re: Condition of Estate and Reasons why the Estate Cannot be Distributed and Closed; and (2) Payment of Three Pecuniary Devises with Interest at Seven Percent (7%); and (3) to Surcharge Administrator for Unnecessary and Unreasonable Delays in Closing said Estate; and (4) Points and Authorities; and (5) Declaration of Barbara Rivera

|                                     |  |   |   |
|-------------------------------------|--|---|---|
| <b>DOD: 8/24/07</b>                 |  | <p><b>BARBARA RIVERA</b>, beneficiary and named executor in Decedent's Will, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>On 7/18/08, the Public Administrator was appointed as Administrator by <i>Ex Parte</i> Order pursuant to PrC §7660 et seq. (<i>Summary Disposition of Small Estates</i>);</li> <li>None of Decedent's devisees named in her Last Will were notified either before or after appointment of the Public Administrator;</li> <li>Decedent's estate could have been closed within 6 months of the Public Administrator's appointment, or within one year as required by PrC §12200(a). This section requires that an estate be closed within one year, after issuance of Letters, in which a federal estate tax return is not required;</li> <li>Here, Letters did not issue because the Public Administrator was appointed pursuant to PrC §7660(a)(1); however, they would have issued on or about 7/18/08;</li> <li>This past August 2011 was the fourth anniversary of Decedent's death and there is no reason for this extended delay on a "small estate" probate case filed under PrC §7660 et seq.;</li> <li>Decedent's Last Will designates gifts to devisees (one of whom passed away on 2/15/09);</li> <li>The Public Administrator should be surcharged with the amount of money due the pecuniary devisees' as interest on their bequests, with said surcharge amount to be paid by the Administrator's personal funds and the forfeit of any commission;</li> <li>Per PrC §12003, beneficiaries are entitled to interest on their pecuniary bequests at 7% simple interest. Section 12003 provides in relevant part: "If a general pecuniary devise...is not distributed within one year after the..death, the devise bear interest thereafter." The effective rate of interest is 7% (see PrC §12001);</li> <li>The total amount due the named beneficiaries, with interest included (interest calculated from 8/24/08 (year after date of death) – 10/31/11): <ul style="list-style-type: none"> <li>Norma Raffeedy (sister; <i>now deceased</i>): \$6,115.21 (original devise: \$5,000);</li> <li>Rose A. Harb (sister): \$6,115.21 (original devise: \$5,000)</li> <li>Nancy Almendras (niece): \$1,070.00 (original devise: \$1,000)</li> </ul> </li> </ul> <p style="text-align: center;"><u><b>SEE ATTACHED PAGE</b></u></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 1/23/12 per stipulation between the parties.</p> <p><u>Page 3B is the Public Administrator's Final Account and Petitioner's Objections thereto.</u></p> <p><u>The instant Petition was continued from 12/5/11.</u></p> <p>1. Need Proposed Order.</p> <p><b>Note:</b> The Fresno County Public Guardian was Decedent's Conservator prior to her death (04CEPR01188).</p> |
| <b>Cont. from 120511 012312</b>     |  |   |   |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>                              |   |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>                                  |   |   |
| <input type="checkbox"/>            | <b>Inventory</b>                                 |   |   |
| <input type="checkbox"/>            | <b>PTC</b>                                       |   |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>                                 |   |   |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b>                             |   |   |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>                                  |   |   |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>                                  |   |   |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>                                   |   |   |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>                                |   |   |
| <input type="checkbox"/>            | <b>Conf. Screen</b>                              |   |   |
| <input type="checkbox"/>            | <b>Letters</b>                                   |   |   |
| <input type="checkbox"/>            | <b>Duties/Supp</b>                               |   |   |
| <input type="checkbox"/>            | <b>Objections</b>                                |   |   |
| <input type="checkbox"/>            | <b>Video Receipt</b>                             |   |   |
| <input type="checkbox"/>            | <b>CI Report</b>                                 |   |   |
| <input type="checkbox"/>            | <b>9202</b>                                      |   |   |
| <input type="checkbox"/>            | <b>Order</b> <input checked="" type="checkbox"/> |   |   |
| <input type="checkbox"/>            | <b>Aff. Posting</b>                              |   |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>                                |   |   |
| <input type="checkbox"/>            | <b>UCCJEA</b>                                    |   |   |
| <input type="checkbox"/>            | <b>Citation</b>                                  |   |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>                                |   |   |

**CONT'D:**

- Furthermore, in related Fresno County Superior Court Case 04CEPR01188 (Decedent's Conservatorship Case –Public Guardian was Conservator of the Estate), the Public Guardian indicated in its final accounting and request for discharge (filed 9/23/10) that a 1999 Federal Individual Income Tax Return balance of \$3,658.00 was owed;
- However, the \$3,658.00 is in fact not owed, nor was it a lien on Decedent's funds at the time of that final accounting because:  
1) *Per Declaration of Petitioner Barbara Rivera*, attached to the instant Petition, the IRS had been deducting from Decedent's monthly Social Security payments an amount to cover Decedent's lien due on the 1999 Tax Return; and 2) because as on 4/15/09, the lien was no longer in existence pursuant to U.S. Code Title 26, 6502 and that as such, an Court may not approve such a claim barred by the statute of limitations (see PrC §9253). For these reasons, the lien amount should never have been shown as a liability on the Public Guardian's last account in the Conservatorship case;
- The Estate is now in a position to be closed, except for the payment of the interest due on the pecuniary gifts as mentioned above;
- Finally, the Public Administrator's Commission should be reduced to no dollar amount, because of the Public Administrator's delay or mismanagement of this small estate; per PrC § 12205(a), a court may reduce a personal representative's compensation by an amount the Court determines as appropriate if said court makes 3 determinations: 1) the time taken for the administration exceeds the one-year; 2) that time taken was within the control of the representative, and 3) the delay was not in the best interest of the estate or interested persons.
- **Petitioner requests the Court order:**
  - That the pecuniary gifts be made to the devisees;
  - That the interest (amounts identified above) be paid to devisees by the Administrator personally (including daily interest calculated after 10/31/11); and
  - That the Public Administrator to close the Estate.

*Objection by Public Administrator, filed 11/30/11, states:*

1. The Estate could not close before now because of tax issue;
  2. On 8/20/10, Deputy PA Noe Jimenez receive the 199 tax return for New York State Income Tax and 2004 and 2008 Fed Income Taxes from Accountant Paul Dictos; on 4/1/11, Deputy Jimenez received notice from NY State that all Ms. Boalbey's tax liens were satisfied; then on 8/15/11 received a letter from the Treasury Dept. that a 2008 return was not filed, and that the estate had a \$181.00 tax credit; finally on 10/18/11, Deputy Jimenez received \$181.00 plus \$18.25 interest from the US Treasury (one week before the PA or County Counsel know of a surcharge petition filed by Petitioner – one phone call by either Petitioner or her attorney would have avoided the time and expense of this Petition);
  3. The PA at all times worked on this case in close connection with his accountant and as a result obtained a refund and interest on federal taxes;
  4. The PA would additionally like to make 3 specific comments or objections: 1) The PA will pay the devisees the interest that has accrued, but from the estate residue – to reiterate, the PA did not mismanage or delay the administration of the estate and should therefore not be responsible for the interest payments;
  5. Further, regarding Petitioner's assertion that the PA should have included a federal tax liability on her Final Account, Petitioner's attorney in fact filed a "No Objection to Amended Account."
- P.A. requests the Petition be denied, and that a status hearing be set 45 days from now for the PA to file his final account.

*Reply to Objection*, filed 12/1/11, states:

1. P.A.'s Objection was not received in time pursuant to the C.C.P. (9 court days before the hearing);
2. Regarding the "No Objection" filed, there would be no objection in 2010 to a "liability" when the statute had run and that as of 4/16/09, the lien was "out of existence;"
3. Further, no creditor's claim had been filed by the State of New York; and the accountant's advice was in error as of 1/18/09, PA could have officially discontinued his involvement in the estate; and the IRS claim had expired 10 years after the tax return's filing date.

*Public Administrator's Response to Reply*, filed 12/2/11states: Objection was timely pursuant to Local Rule 7.4.2.

|                      |   |                                 |
|----------------------|---|---------------------------------|
| <b>DOD: 8/24/07</b>  | <b>PUBLIC ADMINISTRATOR</b> , Administrator, is<br>Petitioner.  | <b>NEEDS/PROBLEMS/COMMENTS:</b> |
|                      |   |                                 |
|                      |   |                                 |
|                      |   |                                 |
|                      | <u>Account Period: 10/26/09 – 12/27/11</u>  |                                 |
| <b>Cont. from</b>    | Accounting - \$89,394.23  |                                 |
| <b>Aff.Sub.Wit.</b>  | Beginning POH - \$54,244.14   |                                 |
| <b>Verified</b>      | Ending POH - \$57,505.80  |                                 |
| <b>Inventory</b>     |   |                                 |
| <b>PTC</b>           | Administrator - \$2,206.57<br>(statutory)   |                                 |
| <b>Not.Cred.</b>     |   |                                 |
| <b>Notice of Hrg</b> | Attorney - \$2,206.57<br>(statutory)  |                                 |
| <b>Aff.Mail</b>      |   |                                 |
| <b>Aff.Pub.</b>      | Bond fee - \$670.47   |                                 |
| <b>Sp.Ntc.</b>       |   |                                 |
| <b>Pers.Serv.</b>    | <b><u>Petitioner requests distribution, pursuant to Decedent's Will, as follows:</u></b>  |                                 |
| <b>Conf. Screen</b>  |   |                                 |
| <b>Letters</b>       | <b>Norma Rafeedy (deceased): \$5,000.00 plus \$1,115,21 in interest</b> ( <i>Petition states Ms. Rafeedy passed away during the administration of this Estate. Petitioner will determine the beneficiaries of Ms. Rafeedy's share prior to the hearing on this Final Account Petition</i> ) |                                 |
| <b>Duties/Supp</b>   |   |                                 |
| <b>Objections</b>    |   |                                 |
| <b>Video Receipt</b> |   |                                 |
| <b>CI Report</b>     |   |                                 |
| <b>9202</b>          | <b>Rose Harb: \$1,115,21 in interest</b> (Petitioner states this distributee has already received \$5,000 in preliminary distribution)  |                                 |
| <b>Order</b>         |   |                                 |
| <b>Aff. Posting</b>  |   |                                 |
| <b>Status Rpt</b>    | <b>Nancy Almendras: \$222.92 in interest</b> (Petitioner states this distributee has already received \$1,000.00 in preliminary distribution)   |                                 |
| <b>UCCJEA</b>        |   |                                 |
| <b>Citation</b>      |   |                                 |
| <b>FTB Notice</b>    | <b>Barbara Rivera: \$10,738.86</b><br><br><u>See attached page</u>  |                                 |
|                      |   | <b>Reviewed by:</b> NRN         |
|                      |   | <b>Reviewed on:</b> 2/23/12     |
|                      |   | <b>Updates:</b>                 |
|                      |   | <b>Recommendation:</b>          |
|                      |   | <b>File 3B - Boalbey</b>        |

**3B**

**Cont'd:**

***Objection to Public Administrator's Final Accounting and Report***, filed 1/10/12, states:

- Barbara Rivera ("Objector") objects to the Public Administrator's disbursements as stated on Schedule D ("Disbursements") on the Final Account;
- The \$1,540.46 paid for NY State income tax – 1999 should be returned;
  - Public Administrator did not disclose any amount owed to New York
  - New York State did not file a creditor's claim in this Estate
  - PrC 9200 should apply to New York State: "...a claim by a public entity shall be filed within the time otherwise provided in this part..." §9200(a). §9200(b) reads that "public entity" as used in this chapter has the meaning provided in §811.2 of the Government Code. Objector herein states that although New York State does not come within the §811.2 Gov't Code definition, the general wording of §9200 should have applied to New York
- Public Administrator should be surcharged the unauthorized payment of \$3,658.00 (Income tax for 1999), for \$14,819.97 paid to the US Treasury (1999 Income tax), and for \$3,500.00 paid to Paul A. Dictos for performing unnecessary work
  - Decedent owed no taxes; even if they were, per the IRS and US Code regulations, that statute of limitations had run on Decedent's 1999 federal taxes by at least 4/16/09
  - The taxes were not owed because the IRS had been deducting from Decedent's monthly Social Security payments an amount to cover Decedent's lien payment(s) due on Decedent's Federal Individual Income Tax Return
- Public Administrator should pay the estate devisees their accrued interest due to the Public Administrator's delay in closing this Estate
  - Public Administrator was appointed in July 2008
  - Letters may have not issued since it was initially filed pursuant to §7660 (*re summary disposition of small estates*), however this past August was Decedent's fourth anniversary of the date of her death
  - PrC §12200 provides that the personal representative shall either petition for an order for final distribution or make a status report not later than one year after the date letters issued on an estate where a federal estate tax return is not required (§12200(a)); if required, within 18 months
  - There is no reason for the extended delay on a small estate probate matter filed pursuant to §7660
- Because of the Public Administrator's delay or mismanagement, it should receive no statutory commission
  - Time taken for Public Administrator to close this Estate exceeds that required by §12200(a)
  - Pursuant to §12205, the Court may reduce the personal representative compensation to a court-determined more appropriate amount, if it makes all of the following determinations: 1) time taken for administration exceeds one year 2) time taken was in personal representative's control and 3) the delay was not in the estate's or estate's interested persons' best interests.

**SEE ATTACHED PAGE**

- As it was clear no creditor's claim was to be filed with the estate, there is further no reason the administration should not have closed sooner, and the Court should determine that the length of time it has taken to close the Estate is not in the best interest of the estate or interested persons
- §12205(b) and relevant legislation provides that an order under this code section may be made to guard beneficiaries and interested persons against the payment of compensations otherwise allowable for services rendered by the personal representative

**Conclusion:** As there were no tax or other material liabilities owed by Decedent, Objection requests the Court should order a surcharge against the Public Administrator in the **total amount of \$28,678.34** (which includes Petitioner's requested statutory fee amount of \$2,206.57), with the break-down as follows:

1. **NY State Income Tax 1999 (8/25/10) \$1,540.46**
2. **Income tax due 1999 – 1040 (8/25/10) \$3,658.00**
3. **Income tax due 1999 – 1040 (5/4/11) \$14,819.97**
4. **Paul Dictos 1999 US and NY Income Tax (9/8/10) \$3,250.00**
5. **Paul Dictos 1999 US and NY Income Tax (11/16/11) \$750.00**
6. **Interest – heirs of Norma Refeedy \$1,115.21**
7. **Interest - Rose Harb \$1,115.21**
8. **Interest – Nancy Almendras (1/23/12) \$222.92**
9. **Petitioner's statutory fee request: \$2,206.57**

**Response by Public Administrator to Objections to Account, filed 2/22/12, states:**

1. Many of the Objector's objections are almost identical to the issues raised in Objector's Petition to have Petitioner cited and surcharged, which was filed 10/24/11, to which Petitioner filed a response on 11/30/11 (*see Page 3A*) and therefore these responses are identical to the 11/30/11 filed Response;
2. Petitioner therefore respectfully refers this Court its objections filed 11/30/11, and where needed, Petitioner will refer to specific pages of that 11/30/11 document;
3. Petitioner's response continues that he did not mismanage Decedent's Estate, and that the Estate could not close until now because of tax issues; had Petitioner attempted to do so, the Estate would have incurred penalties;
4. Petitioner only resolved the tax issues approximately one week before receiving notice of the surcharge petition; one phone call from Objector or her attorney prior to the filing of the surcharge petition would have avoided further cost and delay;
5. Petitioner specifically addresses the following objections:
  - a. With respect to Objector's assertion that New York state did not file a creditor's claim, Petitioner can waive formal defects in a claim pursuant to PrC §9154 (here, the defect being the claim was not submitted on California's judicial council form); as New York had a valid claim, there is no basis for surcharging Petitioner for paying the taxes or for paying his accountant;
  - b. The taxes to the IRS were also a valid claim. Despite Objector's claims, the claim had not been fully paid, it was not fully satisfied by the lien against Decedent's social security, and the 10-yr statute of limitations had not run.

**SEE ATTACHED PAGE**



In conclusion, Objector's objections to Petitioner's Account and the Petition for surcharge have no reasonable basis. Petitioner was cleaning up messes long before Decedent ever lived in California. It is unknown who failed to file the 199 tax return which led to the expense and delay in being able to close this Estate. It should certainly not fall to Petitioner to bear the burden.

Therefore, Petitioner requests the Court deny Objector's objections to the first and final account and that the Court approve the account.

|  |  |   |  |
|--|--|---|--|
|  |  | CRAIG ELIOT SHAMPHAN, son, was appointed Executor on 12-17-08.  | NEEDS/PROBLEMS/COMMENTS:   |
| DOD: 8-1-08  |  | <p><b>Background:</b> The estate consists of the decedent's residence and minimal cash. The two heirs are Executor (son) and Debby Kay Doyle (daughter). Executor filed a Petition for Final Distribution on 5-15-09 that proposed distribution of the residence in undivided interests to himself and his sister; however, per Minute Order 8-10-09, Ms. Doyle did not want the undivided interest, and the real property was to be placed for sale. The petition was denied and dismissed and status hearing was set for the filing of the next accounting on 8-2-10. On 8-2-10, the court requested information about the listing.</p> <p><b>Declaration 2-22-11</b> states the property was first listed in September 2009 for \$150,000.00. That listing was extended and was to expire 3-24-11. The list price was reduced to \$125,000.00; however, per the Executor, the property had not been shown since the reduction, and no offers received. This may be due to the current poor housing market and recent bad weather. Ms. Doyle spoke with Attorney Burnside of DAK and indicated she was considering taking title to the property with her brother as tenants-in-common. Ms. Doyle further indicated she would get back to Attorney Burnside after speaking with her tax advisor; however, Ms. Doyle has not yet indicated what she plans to do. The property is listed in the Fresno MLS online database and on the London Properties website, and a "For Sale" sign has been posted in the front yard.</p> <p><b>On 2-28-11</b>, the court ordered the price reduced to \$100,000.00 and stated if a real estate professional deems it to be a higher price, the court will entertain it.</p> <p><b>Declarations of Leigh Burnside filed 5-27-11 and 5-31-11</b> state the Executor entered into a new listing agreement with Century 21 Adanalian &amp; Vasquez that expires 7-27-11 for \$105,000.00 (attached). The house is listed in the Fresno MLS online database and there is a For Sale sign in the front yard; however, the house has not been shown and no offers have been received. Attorney Burnside states Mr. Shamphan understood the court's order to list the house for \$100,000.00 allowed the higher listing price, and acted on the advice of his agent without review by Attorney Burnside.</p> <p><b>On 6-6-11</b>, Counsel informed the court that the property is currently listed at \$105,000.00, and the court advised counsel that it will allow a price of \$100,000.00 or \$99,950.00, and continued the matter to 8-1-11.</p> <p><b>Declaration of Leigh Burnside filed 7-26-11</b> states that after the price was reduced to \$99,950.00, a number of prospective buyers have visited the property. The listing agreement expired 7-27-11, but was renewed for six months, and the agent has recommended a price reduction to \$97,000.00. <u>Attorney Burnside confirmed with heir Debby Doyle that she wants the property sold, and does not want to take a one-half interest in it.</u></p> | <p><b>Note:</b> This is the <u>11<sup>th</sup></u> hearing originating from Executor's Petition for Final Distribution filed 5-15-09 (<u>almost 3 years ago</u>) that proposed distribution of minimal cash and undivided 50% interests in the residence to the two heirs.</p> <p><b>Minute Order 11-14-11:</b> Ms. Burnside estimates the property to be \$97K. No offers have been made. The heir lives in NY, and does not wish to retain CA property. The executor, Craig Shamphan, has allotted more time in the evening(s) for showing of the property. If the property is not sold, the Court may entertain distribution. Ms. Burnside is allowed to lower the price of the property without court approval. Matter continued to 2-27-12.</p> |
| Cont. from 110810,<br>022811, 060611,<br>080111, 101711,<br>111411 |  |   |  |
| Aff.Sub.Wit.   |  |   |  |
| Verified   |  |   |  |
| Inventory  |  |   |  |
| PTC  |  |   |  |
| Not.Cred.  |  |   |  |
| Notice of Hrg  |  |   |  |
| Aff.Mail   |  |   |  |
| Aff.Pub.   |  |   |  |
| Sp.Ntc.  |  |   |  |
| Pers.Serv.   |  |   |  |
| Conf. Screen   |  |   |  |
| Letters  |  |   |  |
| Duties/Supp  |  |   |  |
| Objections   |  |   |  |
| Video Receipt  |  |   |  |
| CI Report  |  |   |  |
| 9202   |  |   |  |
| Order  |  |   |  |
| Aff. Posting   |  |   |  |
| ✓ Status Rpt   |  |   |  |
| UCCJEA   |  |   |  |
| Citation   |  |   |  |
| FTB Notice   |  |   |  |
|  |  |   | Updates:<br>Contacts: Reviewed 2-17-12<br>Recommendation:<br>Reviewed by: skc<br>File 4 - Shamphan   |
|  |  | SEE PAGE 2  |  |

**Status Report filed 10-7-11 states:** The property has been listed for \$97,000.00; however, the only offer received was for \$64,000.00 and was deemed unreasonable and rejected. The Executor reported that the declining neighborhood where the property is located appears to be the cause of the lack of offers for the property at the current price-point. The agent reported that he believes the property is competitively priced, but has “requested the executor permit him to show the home during expanded hours” and the Executor agreed.

**Status Report filed 11-7-11 states:** The listing agreement has been extended to 1-16-12. There have been no serious offers.

**Status Report filed 2-16-12 states:** The house is currently listed for \$95,000.00. The listing agreement expires 3-29-12. An offer was received for \$90,000.00 with seller to pay closing costs. Seller countered with \$95,000.00 without paying closing costs, and the counter offer was rejected by the buyer. The agent feels it is priced competitively.

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|                                |   |  |   |
|--------------------------------|---|--|---|
| Age: 9 years<br>DOB: 6/22/2002 |   | <b>MELISSA RUSSELL</b> , guardian, is petitioner.<br><br>Account period: 9/30/10 – 9/30/11<br><br>Accounting - <b>\$70,563.79</b><br>Beginning POH - <b>\$0</b><br>Ending POH - <b>\$70,151.29</b><br><br>Attorney - not addressed<br><br>Guardian - not addressed | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>Continued from 12/12/11. As of 2/16/12 the following issues remain:<br><br>1. Need <i>Notice of Hearing</i> .<br><br>2. Pursuant to Probate Code 2626 need proof of service of the <i>Notice of Hearing</i> on:<br>a. Rebecca Lee Ann Dell Pitkin (minor)<br><br>3. Need Order |
| Cont. from 112811<br>121211    |   |  |   |
| Aff.Sub.Wit.                   |   |  |   |
| ✓ Verified                     |   |  |   |
| Inventory                      |   |  |   |
| PTC                            |   |  |   |
| Not.Cred.                      |   |  |   |
| Notice of Hrg                  | X |  |   |
| Aff.Mail                       | X |  |   |
| Aff.Pub.                       |   |  |   |
| Sp.Ntc.                        |   | <b>Petitioner prays:</b><br><br>1. The first account and report be approved and settled;<br><br>2. The acts of the guardian shown in the accounting and report be approved.  |   |
| Pers.Serv.                     |   |  |   |
| Conf. Screen                   |   |  |   |
| Letters                        |   |  |   |
| Duties/Supp                    |   |  |   |
| Objections                     |   |  |   |
| Video Receipt                  |   |  |   |
| CI Report                      |   |  |   |
| 9202                           |   |  |   |
| Order                          | X |  |   |
| Aff. Posting                   |   | Reviewed by: KT<br>Reviewed on: 2/16/12<br>Updates:<br>Recommendation:<br>File 5A - Pitkin   |   |
| Status Rpt                     |   |  |   |
| UCCJEA                         |   |  |   |
| Citation                       |   |  |   |
| FTB Notice                     |   |  |   |

|                                |  |   |
|--------------------------------|--|---|
| Age: 9 years<br>DOB: 6/22/2002 |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>Continued from 12/12/11. |
|                                |  |   |
|                                |  |   |
|                                |  |   |
| Cont. from 112811<br>121211    |  |   |
| Aff.Sub.Wit.                   |  |   |
| Verified                       |  |   |
| Inventory                      |  |   |
| PTC                            |  |   |
| Not.Cred.                      |  |   |
| Notice of<br>Hrg               |  |   |
| Aff.Mail                       |  |   |
| Aff.Pub.                       |  |   |
| Sp.Ntc.                        |  |   |
| Pers.Serv.                     |  |   |
| Conf. Screen                   |  |   |
| Letters                        |  |   |
| Duties/Supp                    |  |   |
| Objections                     |  |   |
| Video<br>Receipt               |  |   |
| CI Report                      |  |   |
| 9202                           |  |   |
| Order                          |  |   |
| Aff. Posting                   |  |   |
| Status Rpt                     |  |   |
| UCCJEA                         |  |   |
| Citation                       |  |   |
| FTB Notice                     |  |   |
|                                |  |   |
| Reviewed by: KT                |  |   |
| Reviewed on: 2/16/12           |  |   |
| Updates:                       |  |   |
| Recommendation:                |  |   |
| File 5B - Pitkin               |  |   |

**5B**

|                                     |               |  |   |
|-------------------------------------|---------------|--|---|
| DOD: 05/25/10                       |               | <p><b>JANET PICARD</b>, was appointed Executor with full IAEA authority and Letters were issued on 02/16/11.</p> <p><b>Notice of Status Hearing filed 10/05/11</b> set this matter for status. The Clerk's Certificate of Mailing shows that the Notice of Status Hearing was mailed to Nancy Oehler, the Executor's counsel, on 10/05/11.</p> <p><b>Status Report of Executor and Petition to Continue Estate Administration</b> was filed 10/31/11 by Executor, and states:<br/>The Estate is not ready for distribution nor in a condition to be closed. The Petitioner has had some difficulty in ascertaining the assets of the decedent, however, an inventory of assets has now been prepared and submitted to the Probate Referee for valuation. The Petitioner estimates that it will need one year to close the administration of the estate and requests a continuance until November 2012.</p> <p><b>Inventory &amp; Appraisal filed 12/22/11.</b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u><br/>See Page 2 for a related matter.</p> |
| Cont. from 111411                   |               |  |   |
| <input type="checkbox"/>            | Aff.Sub.Wit.  |  |   |
| <input type="checkbox"/>            | Verified      |  |   |
| <input checked="" type="checkbox"/> | Inventory     |  |   |
| <input type="checkbox"/>            | PTC           |  |   |
| <input type="checkbox"/>            | Not.Cred.     |  |   |
| <input type="checkbox"/>            | Notice of Hrg |  |   |
| <input type="checkbox"/>            | Aff.Mail      |  |   |
| <input type="checkbox"/>            | Aff.Pub.      |  |   |
| <input type="checkbox"/>            | Sp.Ntc.       |  |   |
| <input type="checkbox"/>            | Pers.Serv.    |  |   |
| <input type="checkbox"/>            | Conf. Screen  |  |   |
| <input type="checkbox"/>            | Letters       |  |   |
| <input type="checkbox"/>            | Duties/Supp   |  |   |
| <input type="checkbox"/>            | Objections    |  |   |
| <input type="checkbox"/>            | Video Receipt |  |   |
| <input type="checkbox"/>            | CI Report     |  |   |
| <input type="checkbox"/>            | 9202          |  |   |
| <input type="checkbox"/>            | Order         |  |   |
| <input type="checkbox"/>            | Aff. Posting  |  |   |
| <input type="checkbox"/>            | Status Rpt    |  |   |
| <input type="checkbox"/>            | UCCJEA        |  |   |
| <input type="checkbox"/>            | Citation      |  |   |
| <input type="checkbox"/>            | FTB Notice    |  |   |
|                                     |               | <p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 02/16/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6 – Picard</b></p>   |   |

## First and Final Account and Report of Executor and (2) Petition for Final Settlement and Distribution (Prob. C. §§10800, 10810, 10831, 10900, 10951, 11640)

|                   |               |        |  |   |
|-------------------|---------------|--------|--|---|
| DOD: 10/13/10     |               |        | <b>KIMBERLY R. W. BENNETTS</b> ,<br>Executor, is petitioner.<br><br>Accounting is waived.<br><br>I & A - <b>\$113,976.64</b><br><br>Executor - <b>waives.</b><br><br>Attorney - <b>\$4,419.30</b><br>(statutory)<br><br>Costs - <b>\$790.33</b><br>(filing fee, publication, probate referee, certified copies)<br><br><b>Distribution, pursuant to Decedent's Will and Disclaimer is to:</b><br><br><b>Adrienne Vance</b> - real property, 1/2 of \$4,148.00, 1/2 of 5 shares of PG& E stock, 1/2 of 38.801 shares of PG& E stock, 1/2 of a 2000 Chevy, and 1/2 of the household furniture and furnishings.<br><br><b>Kimberly R.W. Bennetts</b> - 1/2 of \$4,148.00, 1/2 of 5 shares of PG& E stock, 1/2 of 38.801 shares of PG& E stock, 1/2 of a 2000 Chevy, and 1/2 of the household furniture and furnishings. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. <b>Kimberly R. W. Bennetts disclaimed his interest in the real property. The disclaimer acts as if the Kimberly pre-deceased the decedent. Therefore, if the Kimberly has issue, his issue would be entitled to the share of the estate the Kimberly disclaimed. Probate Code §275 et seq. The Court will need to know if Kimberly has issue prior to distribution. – Memorandum Re: Disclaimer filed on 2/16/12 (Please see additional page)</b><br><br>2. <b>Order does not comply with Local Rule 7.6.1.</b> |
| Cont. from 121211 |               |        |  |   |
|                   | Aff.Sub.Wit.  |        |  |   |
| ✓                 | Verified      |        |  |   |
| ✓                 | Inventory     |        |  |   |
| ✓                 | PTC           |        |  |   |
|                   | Not.Cred.     |        |  |   |
| ✓                 | Notice of Hrg |        |  |   |
| ✓                 | Aff.Mail      | W/     |  |   |
|                   | Aff.Pub.      |        |  |   |
|                   | Sp.Ntc.       |        |  |   |
|                   | Pers.Serv.    |        |  |   |
|                   | Conf. Screen  |        |  |   |
| ✓                 | Letters       | 2/9/11 |  |   |
|                   | Duties/Supp   |        |  |   |
|                   | Objections    |        |  |   |
|                   | Video Receipt |        |  |   |
|                   | CI Report     |        |  |   |
| ✓                 | 9202          |        |  |   |
| ✓                 | Order         |        |  |   |
|                   | Aff. Posting  |        |  |   |
|                   | Status Rpt    |        |  |   |
|                   | UCCJEA        |        |  |   |
|                   | Citation      |        |  |   |
| ✓                 | FTB Notice    |        |  |   |

|                      |
|----------------------|
| Reviewed by: KT      |
| Reviewed on: 2/16/12 |
| Updates:             |
| Recommendation:      |
| File 7 - Bennetts    |

**Memorandum Re Disclaimer filed on 2/16/12. Estate Counsel responds to said inquiry as follows: The disclaimer executed by a beneficiary under a will does not transfer the disclaimed interest to the disclaiming party's issue if prohibited by the will. Mr. Renge states only two beneficiaries are named in the decedent's Will, namely Kimberly R.W. Bennetts, the disclaiming party and Adrienne Vance. The Fifth paragraph of decedent's Will provides, in part as follows: "Except as otherwise provided in this Will, I have intentionally and will full knowledge made no provision for any other person or relative living at my death, whether claiming to be an heir of mine or not for any person who would have been entitled to share in my estate if I had died intestate and I direct that such person or persons, if any, shall take no part of my estate."**

**Mr. Renge concludes, unequivocally, the "Fifth" paragraph of the Will directs that the "classes" of potential beneficiaries in said paragraph "shall take no part in my estate." Accordingly, the "issue" of Kimberly R. W. Bennetts who are unnamed in the Will may be intestate heirs or beneficiaries but are precluded from taking any property in this case. The decedent, Suzanne M. Bennetts, in executing her Will made a deliberate decision to exclude all persons other than Kimberly R.W. Bennetts and Adrienne Vance from taking her estate.**



|                               |  |   |   |
|-------------------------------|--|---|---|
| Age: 6 years<br>DOB: 10/17/05 |  | <b>MELISSA RUSSELL</b> , guardian, is petitioner.<br><br>Account period: 9/30/10 – 9/30/11<br><br>Accounting - <b>\$70,563.79</b><br>Beginning POH - <b>\$0</b><br>Ending POH - <b>\$70,151.29</b><br><br>Attorney - not addressed<br><br>Guardian - not addressed<br><br><b>Petitioner prays:</b><br><br>3. The first account and report be approved and settled;<br>4. The acts of the guardian shown in the accounting and report be approved. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>Continued from 12/12/11. As of 2/16/12 the following issues remain:<br><br>4. Need <i>Notice of Hearing</i> .<br><br>5. Pursuant to Probate Code 2626 need proof of service of the <i>Notice of Hearing</i> on:<br>b. Eva Jane Carolyn Pitkin (minor)<br><br>6. Need Order |
|                               |  |   |   |
|                               |  |   |   |
|                               |  |   |   |
| Cont. from 112811<br>121211   |  |   |   |
| Aff.Sub.Wit.                  |  |   |   |
| ✓ Verified                    |  |   |   |
| Inventory                     |  |   |   |
| PTC                           |  |   |   |
| Not.Cred.                     |  |   |   |
| Notice of Hrg                 |  |   |   |
| Aff.Mail                      |  |   |   |
| Aff.Pub.                      |  |   |   |
| Sp.Ntc.                       |  |   |   |
| Pers.Serv.                    |  |   |   |
| Conf. Screen                  |  |   |   |
| Letters                       |  |   |   |
| Duties/Supp                   |  |   |   |
| Objections                    |  |   |   |
| Video Receipt                 |  |   |   |
| CI Report                     |  |   |   |
| ✓ 2620(c)                     |  |   |   |
| Order                         |  |   |   |
| Aff. Posting                  |  |   |   |
| Status Rpt                    |  |   |   |
| UCCJEA                        |  |   |   |
| Citation                      |  |   |   |
| FTB Notice                    |  |   |   |

|                      |
|----------------------|
| Reviewed by: KT      |
| Reviewed on: 2/16/11 |
| Updates:             |
| Recommendation:      |
| File 8A – Pitkin     |

**8B Eva Jane Carolyn Pitkin (GUARD/PE)****Case No. 11CEPR00069****Atty Bakergumprecht-Davies, Kathleen (for Eva Jane Carolyn Pitkin)****Request for Hearing About Court Fee Waiver Order**

|                                |  |   |
|--------------------------------|--|---|
| Age: 6 years<br>DOB: 10/17/05. |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>Continued from 12/12/11. |
|                                |  |   |
|                                |  |   |
|                                |  |   |
| Cont. from 112811<br>121211    |  |   |
| Aff.Sub.Wit.                   |  |   |
| Verified                       |  |   |
| Inventory                      |  |   |
| PTC                            |  |   |
| Not.Cred.                      |  |   |
| Notice of<br>Hrg               |  |   |
| Aff.Mail                       |  |   |
| Aff.Pub.                       |  |   |
| Sp.Ntc.                        |  |   |
| Pers.Serv.                     |  |   |
| Conf. Screen                   |  |   |
| Letters                        |  |   |
| Duties/Supp                    |  |   |
| Objections                     |  |   |
| Video<br>Receipt               |  |   |
| CI Report                      |  |   |
| 9202                           |  |   |
| Order                          |  |   |
| Aff. Posting                   |  |   |
| Status Rpt                     |  |   |
| UCCJEA                         |  |   |
| Citation                       |  |   |
| FTB Notice                     |  |   |
|                                |  | Reviewed by: KT   |
|                                |  | Reviewed on: 2/16/12  |
|                                |  | Updates:  |
|                                |  | Recommendation:   |
|                                |  | File 8B – Pitkin  |

**8B**

**9 Angelina Sapien Lozano (CONS/PE)**

**Case No. 11CEPR00840**

**Atty Sanoian, Joanne (for Katina Sapien Lozano Pauley – Conservator)**

**Atty Barrus, John E. (court appointed for conservatee)**

**Probate Status Hearing Re: Failure to File Inventory and Appraisal**

|            |               |  |  |
|------------|---------------|--|--|
|            |               |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b><u>OFF CALENDAR</u></b><br>Inventory & Appraisal was filed<br>02/08/12 |
|            |               |  |  |
|            |               |  |  |
|            |               |  |  |
|            |               |  |  |
| Cont. from |               |  |  |
|            | Aff.Sub.Wit.  |  |  |
|            | Verified      |  |  |
|            | Inventory     |  |  |
|            | PTC           |  |  |
|            | Not.Cred.     |  |  |
|            | Notice of Hrg |  |  |
|            | Aff.Mail      |  |  |
|            | Aff.Pub.      |  |  |
|            | Sp.Ntc.       |  |  |
|            | Pers.Serv.    |  |  |
|            | Conf. Screen  |  |  |
|            | Letters       |  |  |
|            | Duties/Supp   |  |  |
|            | Objections    |  |  |
|            | Video Receipt |  |  |
|            | CI Report     |  |  |
|            | 9202          |  |  |
|            | Order         |  |  |
|            | Aff. Posting  |  |  |
|            | Status Rpt    |  |  |
|            | UCCJEA        |  |  |
|            | Citation      |  |  |
|            | FTB Notice    |  |  |
|            |               |  | Reviewed by: JF  |
|            |               |  | Reviewed on: 02/16/12  |
|            |               |  | Updates:   |
|            |               |  | Recommendation:  |
|            |               |  | File 9 - Lozano  |

**Petition for Removal of Trustee, Account, and for Appointment of Successor Trustee**

|                                 |               |    |  |   |
|---------------------------------|---------------|----|--|---|
|                                 |               |    | <p><b>ANDREW CHAFFER</b>, trust beneficiary, is petitioner.</p>  | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 12/12/11. Minute order set an Order to Show Cause for Douglas Chaffer to be present on 2/17/12. (Please see page 10B)</b></p> |
|                                 |               |    |  |   |
|                                 |               |    | <p>Petitioner states he is the grandson and 1/6 beneficiary under the <b>HARLEY E. CHAFFER TRUST</b> executed May 9, 1991. Petitioner states he does not possess a copy of the Trust. And amendment to the Trust was executed on October 29, 1998.</p>   | <p><b>1. Need proposed order.</b></p>   |
| <p><b>Cont. from 121211</b></p> |               |    |  |   |
|                                 | Aff.Sub.Wit.  |    | <p>Harley E. Chaffer died on March 4, 2011 thereby making the Trust irrevocable.</p>   |   |
| ✓                               | Verified      |    |  |   |
|                                 | Inventory     |    | <p>Petitioner is informed and believes that the successor Trustee is <b>DOUGLAS EDWARD CHAFFER</b>.</p>  |   |
|                                 | PTC           |    |  |   |
|                                 | Not.Cred.     |    | <p><b>Petitioner alleges:</b></p> <ol style="list-style-type: none"> <li>1. The Trustee has violated his duty to inform the beneficiaries and has refused to provide Petitioner with a copy of the Trust, despite written requests.</li> <li>2. The Trustee has violated his duty to Petitioner as Trustee has failed to ever render an accounting despite written request to do so.</li> </ol>  |   |
| ✓                               | Notice of Hrg |    |  |   |
| ✓                               | Aff.Mail      | W/ | <p><b>Wherefore, Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>1. Compelling Douglas Edward Chaffer to produce a copy of the Harley E. Chaffer Trust of May 9, 1991 and all amendments to it;</li> <li>2. Compelling Douglas Edward Chaffer to account fully for all Trust property;</li> <li>3. Removing Douglas Edward Chaffer as Trustee;</li> <li>4. Appointing a new Trustee as prescribed by the Trust;</li> <li>5. For costs of suit; attorney fees and for such other and further relief as the court deems proper.</li> </ol> |   |
|                                 | Aff.Pub.      |    |  |   |
|                                 | Sp.Ntc.       |    |  |   |
|                                 | Pers.Serv.    |    |  |   |
|                                 | Conf. Screen  |    |  |   |
|                                 | Letters       |    |  |   |
|                                 | Duties/Supp   |    |  |   |
|                                 | Objections    |    |  |   |
|                                 | Video Receipt |    |  |   |
|                                 | CI Report     |    |  |   |
|                                 | 9202          |    |  |   |
|                                 | Order         | X  |  |   |
|                                 | Aff. Posting  |    |  |   |
|                                 | Status Rpt    |    |  |   |
|                                 | UCCJEA        |    |  |   |
|                                 | Citation      |    |  |   |
|                                 | FTB Notice    |    |  | <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 2/17/12</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10A - Chaffer</b></p>                                    |

**Order to Show Cause**

|                      |  |   |  |
|----------------------|--|---|--|
|                      |  | <p><b>ANDREW CHAFFER</b>, trust beneficiary, petitioned the Court for Removal of Trustee, Account and Appointment of Successor Trustee.</p> <p>Petitioner alleges <b>DOUGLAS EDWARD CHAFFER</b> is the current Trustee of the Trust.</p> <p><b>Minute Order from the Petition for Removal of Trustee, Account and Appointment of Successor Trustee dated 12/12/11</b> states the Court orders Douglas Chaffer to be present on 2/27/12. The Court further orders Douglas Chaffer to produce a copy of the Harley E. Chaffer Trust of May 9, 1991 and all amendments to it as well as all accounts regarding the trust property. Douglas Chaffer is ordered to provide a copy of the trust to counsel John Streett.</p> <p><b>Order to Appear and Produce Documents was signed on 1/9/12</b> ordering Douglas Chaffer to personally appear on 2/27/12. Prior to his appearance on 2/27/12 Douglas Chaffer will produce to attorney John Streett a copy of the Harley E. Chaffer Trust executed May 9, 1991 and any amendments to it.</p> <p>Prior to 2/27/12, Douglas Chaffer will produce to Petitioner's attorney, copies of records of any and accounts or assets connected to the Harley E. Chaffer Trust.</p> <p>A copy of the Order was mailed to Douglas E. Chaffer on 1/15/2012.</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> |
|                      |  |   |  |
|                      |  |   |  |
|                      |  |   |  |
| <b>Cont. from</b>    |  |   |  |
| <b>Aff.Sub.Wit.</b>  |  |   |  |
| <b>Verified</b>      |  |   |  |
| <b>Inventory</b>     |  |   |  |
| <b>PTC</b>           |  |   |  |
| <b>Not.Cred.</b>     |  |   |  |
| <b>Notice of Hrg</b> |  |   |  |
| <b>Aff.Mail</b>      |  |   |  |
| <b>Aff.Pub.</b>      |  |   |  |
| <b>Sp.Ntc.</b>       |  |   |  |
| <b>Pers.Serv.</b>    |  |   |  |
| <b>Conf. Screen</b>  |  |   |  |
| <b>Letters</b>       |  |   |  |
| <b>Duties/Supp</b>   |  |   |  |
| <b>Objections</b>    |  |   |  |
| <b>Video Receipt</b> |  |   |  |
| <b>CI Report</b>     |  |   |  |
| <b>9202</b>          |  |   |  |
| <b>Order</b>         |  |   |  |
| <b>Aff. Posting</b>  |  |   |  |
| <b>Status Rpt</b>    |  |   |  |
| <b>UCCJEA</b>        |  |   |  |
| <b>Citation</b>      |  |   |  |
| <b>FTB Notice</b>    |  |   |  |

**10B**

**Probate Status Hearing Re: Status on Payment of Applicable Transfer Fees to Complete Transfer to Orange County**

|                      |  |   |  |
|----------------------|--|---|--|
|                      |  | <p><b>GWENDOLYN HAVEN MATHIAS</b>, surviving settlor of the Robert Bruce Mathias and Gwendolyn Haven Mathias Family Trust dated 2/28/86, petitioned the Court to transfer the Trust to Orange County Superior Court.</p> <p>On January 6, 2011 the Court granted the petition and allowed the Trust to be transferred to Orange County Superior Court.</p> <p>On January 26, 2012 this status hearing was set for the status of applicable transfer fees to complete the transfer to Orange County.</p> <p>On 2/2/12 the appropriate fees were received.</p> <p>The Trust is currently in the process of being transferred.</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> |
|                      |  |   |  |
|                      |  |   |  |
|                      |  |   |  |
| <b>Cont. from</b>    |  |   |  |
| <b>Aff.Sub.Wit.</b>  |  |   |  |
| <b>Verified</b>      |  |   |  |
| <b>Inventory</b>     |  |   |  |
| <b>PTC</b>           |  |   |  |
| <b>Not.Cred.</b>     |  |   |  |
| <b>Notice of Hrg</b> |  |   |  |
| <b>Aff.Mail</b>      |  |   |  |
| <b>Aff.Pub.</b>      |  |   |  |
| <b>Sp.Ntc.</b>       |  |   |  |
| <b>Pers.Serv.</b>    |  |   |  |
| <b>Conf. Screen</b>  |  |   |  |
| <b>Letters</b>       |  |   |  |
| <b>Duties/Supp</b>   |  |   |  |
| <b>Objections</b>    |  |   |  |
| <b>Video Receipt</b> |  |   |  |
| <b>CI Report</b>     |  |   |  |
| <b>9202</b>          |  |   |  |
| <b>Order</b>         |  |   |  |
| <b>Aff. Posting</b>  |  |   |  |
| <b>Status Rpt</b>    |  |   |  |
| <b>UCCJEA</b>        |  |   |  |
| <b>Citation</b>      |  |   |  |
| <b>FTB Notice</b>    |  |   |  |
|                      |  | <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 2/17/12</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11 - Mathias</b></p>   |  |

**(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory (Prob. C. 10400-10406, 10954, 11600-11642)**

|                                     |                      |   |  |
|-------------------------------------|----------------------|---|--|
| <b>DOD: 07/23/10</b>                |                      | <b>MICHAEL TARASEVIC</b> , Executor, is<br>Petitioner.                | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><u><b>CONTINUED FROM 11/28/11</b></u><br>As of 02/16/12, no additional documents have been filed and following issues remain:<br>1. Petition does not make a statement regarding waiver of the accounting. Need Waiver of Accounting by Michael Tarasevic and Anthony Tarasevic or Accounting.<br>2. The Petition states that all debts of the decedent have been paid, however, a Creditor's Claim in the amount of \$52,340.63 was filed by California Business Bureau for Community Medical Center on 11/02/10. The Petition states that no action has been taken on this claim at this time, therefore this debt has not been resolved. Further, need Allowance or Rejection of Creditor's Claim (form DE-174) pursuant to Probate Code § 9250. <u>Distribution of estate assets cannot be made until all debts of the estate have been resolved.</u><br>3. Also, a Creditor's Claim in the amount of \$1,408.00 was filed by American Infosource as agent for Bank of America on 11/09/10. The petition states that this claim was settled. Need Allowance or Rejection of Creditor's Claim (form DE-174) and satisfaction of Claim from Bank of America.<br>4. The Petition does not make a statement regarding the required notice to the Franchise Tax Board pursuant to Probate Code § 9202(c)(1). |
|                                     |                      |   |  |
|                                     |                      | I & A - \$135,867.00  |  |
|                                     |                      | POH - \$135,867.00  |  |
| <b>Cont. from 112811</b>            |                      |   |  |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  | Executor - waives   |  |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |   |  |
| <input checked="" type="checkbox"/> | <b>Inventory</b>     | <b>Distribution, pursuant to decedent's Will, is to:</b>              |  |
| <input checked="" type="checkbox"/> | <b>PTC</b>           |   |  |
| <input checked="" type="checkbox"/> | <b>Not.Cred.</b>     | Michael Tarasevic - \$58.50   |  |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> | cash, plus ½ interest in real property and ½ interest in a 1977 truck |  |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      | w/  |  |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      | Anthony Tarasevic - \$58.50   |  |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       | cash, plus ½ interest in real property and ½ interest in a 1977 truck |  |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |   |  |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  |   |  |
| <input type="checkbox"/>            | <b>Letters</b>       | 11/30/10  |  |
| <input type="checkbox"/>            | <b>Duties/Supp</b>   |   |  |
| <input type="checkbox"/>            | <b>Objections</b>    |   |  |
| <input type="checkbox"/>            | <b>Video Receipt</b> |   |  |
| <input type="checkbox"/>            | <b>CI Report</b>     |   |  |
| <input checked="" type="checkbox"/> | <b>9202</b>          |   |  |
| <input checked="" type="checkbox"/> | <b>Order</b>         |   |  |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |   |  |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |   |  |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |   |  |
| <input type="checkbox"/>            | <b>Citation</b>      |   |  |
| <input type="checkbox"/>            | <b>FTB Notice</b>    | x   |  |
|                                     |                      |   | <b>Reviewed by:</b> JF   |
|                                     |                      |   | <b>Reviewed on:</b> 12/16/12   |
|                                     |                      |   | <b>Updates:</b>  |
|                                     |                      |   | <b>Recommendation:</b>   |
|                                     |                      |   | <b>File 12 - Tarasevic</b>   |

Status Hearing Re: Filing of the Inventory and Appraisal

|                              |                      |  |  |
|------------------------------|----------------------|--|--|
| <b>DOD: 08/18/10</b>         |                      |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b><u>OFF CALENDAR</u></b><br>Inventory & Appraisal was filed<br>03/11/11 |
|                              |                      |  |  |
|                              |                      |  |  |
|                              |                      |  |  |
| <b>Cont. from</b>            |                      |  |  |
|                              | <b>Aff.Sub.Wit.</b>  |  |  |
|                              | <b>Verified</b>      |  |  |
|                              | <b>Inventory</b>     |  |  |
|                              | <b>PTC</b>           |  |  |
|                              | <b>Not.Cred.</b>     |  |  |
|                              | <b>Notice of Hrg</b> |  |  |
|                              | <b>Aff.Mail</b>      |  |  |
|                              | <b>Aff.Pub.</b>      |  |  |
|                              | <b>Sp.Ntc.</b>       |  |  |
|                              | <b>Pers.Serv.</b>    |  |  |
|                              | <b>Conf. Screen</b>  |  |  |
|                              | <b>Letters</b>       |  |  |
|                              | <b>Duties/Supp</b>   |  |  |
|                              | <b>Objections</b>    |  |  |
|                              | <b>Video Receipt</b> |  |  |
|                              | <b>CI Report</b>     |  |  |
|                              | <b>9202</b>          |  |  |
|                              | <b>Order</b>         |  |  |
|                              | <b>Aff. Posting</b>  |  |  |
|                              | <b>Status Rpt</b>    |  |  |
|                              | <b>UCCJEA</b>        |  |  |
|                              | <b>Citation</b>      |  |  |
|                              | <b>FTB Notice</b>    |  |  |
|                              |                      |  |  |
| <b>Reviewed by: JF</b>       |                      |  |  |
| <b>Reviewed on: 02/16/12</b> |                      |  |  |
| <b>Updates:</b>              |                      |  |  |
| <b>Recommendation:</b>       |                      |  |  |
| <b>File 13 - Escandon</b>    |                      |  |  |



**(1) First and Final Account and Report of Executor, and (2) Petition for Final Distribution**

|                      |                      |          |  |                                 |
|----------------------|----------------------|----------|--|---------------------------------|
| <b>DOD: 08/08/10</b> |                      |          | <b>LYNETTE CANAS</b> , Executor, is Petitioner.          | <b>NEEDS/PROBLEMS/COMMENTS:</b> |
|                      |                      |          |  |                                 |
|                      |                      |          |  |                                 |
|                      |                      |          | Account period: <b>08/08/10 – 01/05/12</b>               |                                 |
| <b>Cont. from</b>    |                      |          |  |                                 |
|                      | <b>Aff.Sub.Wit.</b>  |          | Accounting - \$187,109.88                                |                                 |
| ✓                    | <b>Verified</b>      |          | Beginning POH - \$182,825.57                             |                                 |
| ✓                    | <b>Inventory</b>     |          | Ending POH - \$176,827.21                                |                                 |
| ✓                    | <b>PTC</b>           |          | Executor - waives  |                                 |
| ✓                    | <b>Not.Cred.</b>     |          | Closing - \$250.00                                       |                                 |
| ✓                    | <b>Notice of Hrg</b> |          |  |                                 |
| ✓                    | <b>Aff.Mail</b>      | w/       | <b>Distribution, pursuant to Decedent's Will, is to:</b> |                                 |
|                      | <b>Aff.Pub.</b>      |          | Lynette D. Canas - 50% of the residual estate            |                                 |
|                      | <b>Sp.Ntc.</b>       |          | Gerald J. Wolfe - 50% of the residual estate             |                                 |
|                      | <b>Pers.Serv.</b>    |          |  |                                 |
|                      | <b>Conf. Screen</b>  |          |  |                                 |
|                      | <b>Letters</b>       | 02/16/11 |  |                                 |
|                      | <b>Duties/Supp</b>   |          |  |                                 |
|                      | <b>Objections</b>    |          |  |                                 |
|                      | <b>Video Receipt</b> |          |  |                                 |
|                      | <b>CI Report</b>     |          |  |                                 |
| ✓                    | <b>9202</b>          |          |  |                                 |
|                      | <b>Order</b>         | x        |  |                                 |
|                      | <b>Aff. Posting</b>  |          |  |                                 |
|                      | <b>Status Rpt</b>    |          |  |                                 |
|                      | <b>UCCJEA</b>        |          |  |                                 |
|                      | <b>Citation</b>      |          |  |                                 |
| ✓                    | <b>FTB Notice</b>    |          |  |                                 |

**OFF CALENDAR**  
**Amended Petition filed 02/21/12; set for hearing on 03/28/12**

- No accounting is attached to the Petition. The Summary of Account on Page 5 references a Schedule A; however, no Schedule A is attached to the Petition.
- Decedent's Will devises \$2,000.00 to Darlene Hardin and Mason T. Wolfe, however, these specific bequests are not included in the proposed distribution of the estate.
- Need order. **Note:** Pursuant to Local Rule 7.6.1 A – All orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of the persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. Monetary distributions must be stated in dollars, and not as a percentage of the estate.

**Reviewed by: JF**

**Reviewed on: 02/16/12**

**Updates: 02/22/12**

**Recommendation:**

**File 14 - Wolfe**

|               |  |                          |
|---------------|--|--------------------------|
| Age:          |  | NEEDS/PROBLEMS/COMMENTS: |
| DOD:          |  |                          |
|               |  |                          |
|               |  |                          |
| Cont. from    |  |                          |
| Aff.Sub.Wit.  |  |                          |
| Verified      |  |                          |
| Inventory     |  |                          |
| PTC           |  |                          |
| Not.Cred.     |  |                          |
| Notice of Hrg |  |                          |
| Aff.Mail      |  |                          |
| Aff.Pub.      |  |                          |
| Sp.Ntc.       |  |                          |
| Pers.Serv.    |  |                          |
| Conf. Screen  |  |                          |
| Letters       |  |                          |
| Duties/Supp   |  |                          |
| Objections    |  |                          |
| Video Receipt |  |                          |
| CI Report     |  |                          |
| 9202          |  |                          |
| Order         |  |                          |
| Aff. Posting  |  |                          |
| Status Rpt    |  |                          |
| UCCJEA        |  |                          |
| Citation      |  |                          |
| FTB Notice    |  |                          |
|               |  | Reviewed by: JF          |
|               |  | Reviewed on: 02/16/12    |
|               |  | Updates:                 |
|               |  | Recommendation:          |
|               |  | File 15 - Toppin         |

**16A Nerine Amavisca, Noe Amavisca, Natalie Amavisca and Nadine Amavisca (GUARD/P)**

**Case No. 11CEPR00901**

Atty Gonzales, Yolanda (pro per Paternal grandmother/proposed guardian of Nerine and Natalie)  
 Atty Amavisca, Renee (pro per Petitioner/paternal aunt/proposed guardian of Noe and Nadine)  
 Atty Amavisca, Monica (pro per Objector/mother)

**Petition for Appointment of Guardian of the Person (Prob. C. 1510) (Yolanda Gonzales)**

|                                      |               |  |  |   |
|--------------------------------------|---------------|--|--|---|
| Nerine age: 10 years<br>DOB: 4/6/01  |               | <p align="center"><b><u>TEMPORARY EXPIRES 12/12/11</u></b></p> <p><b>YOLANDA GONZALES</b>, paternal grandmother, is petitioner.</p> <p>Father: <b>SAMUEL AMAVISCA</b> – <i>deceased</i>.</p> <p>Mother: <b>MONICA AMAVISCA</b></p> <p>Paternal grandfather: Samuel Amavisca<br/>                 Maternal grandfather: Rick Sandhu<br/>                 Maternal grandmother: Lupe Rios</p> <p>Petitioner states ????</p> <p><b>Objections of Mother, Monica Amavisca filed on 10/19/11</b> states her husband died and she had to move out of her home because it was too much for them. She states she didn't have a permanent place to live so she asked Yolanda to take the kids until she got her apartment. Yolanda agreed and now that she has the apartment they don't want to give the kids back.</p> <p><b>Court Investigator Samantha Henson's Report filed on 11/30/11</b></p> <p><b>Court Investigator Samantha Henson's Supplemental Report filed on 2/23/12</b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This petition is as to NERINE and NATALIE ONLY.</b></p> <p>Minute order for the hearing on the temporary petition dated 10/25/11 vacated the general hearing date of 12/7/11 and rescheduled it to 12/12/11 stating mother is to be notified of the 12/12/11 hearing date.</p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:                         <ol style="list-style-type: none"> <li>a. Monica Amavisca (mother)</li> </ol> </li> <li>3. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:                         <ol style="list-style-type: none"> <li>a. Samuel Amavisca (paternal grandfather)</li> <li>b. Rick Sandhu (maternal grandfather)</li> <li>c. Lupe Rios (maternal grandmother)</li> </ol> </li> <li>4. Petition does not state why the guardianship is necessary.</li> <li>5. UCCJEA is incomplete. Need residence information for the minors from 2006 to 11/24/10.</li> </ol> |   |
| Noe age: 9 years<br>DOB: 8/18/02     |               |  |  |   |
| Natalie age: 4 years<br>DOB: 7/19/07 |               |  |  |   |
| Nadine age 2 years<br>DOB: 12/7/09   |               |  |  |   |
| Cont. from 121211                    |               |  |  |   |
| ✓                                    | Verified      |  |  |   |
|                                      | Inventory     |  |  |   |
|                                      | PTC           |  |  |   |
|                                      | Not.Cred.     |  |  |   |
|                                      | Notice of Hrg |  |  | X |
|                                      | Aff.Mail      |  |  | X |
|                                      | Aff.Pub.      |  |  |   |
|                                      | Sp.Ntc.       |  |  |   |
|                                      | Pers.Serv.    |  |  | X |
| ✓                                    | Conf. Screen  |  |  |   |
| ✓                                    | Letters       |  |  |   |
| ✓                                    | Duties/Supp   |  |  |   |
|                                      | Objections    |  |  |   |
|                                      | Video Receipt |  |  |   |
| ✓                                    | CI Report     |  |  |   |
|                                      | 9202          |  |  |   |
| ✓                                    | Order         |  |  |   |
|                                      | Aff. Posting  |  |  |   |
|                                      | Status Rpt    |  |  |   |
| ✓                                    | UCCJEA        |  |  |   |
|                                      | Citation      |  |  |   |
|                                      | FTB Notice    |  |  |   |
|                                      |               | Reviewed by: KT  |  |   |
|                                      |               | Reviewed on: 2/17/12   |  |   |
|                                      |               | Updates: 2/24/12   |  |   |
|                                      |               | Recommendation:  |  |   |
|                                      |               | File 16A - Amavisca  |  |   |

**16A**

**16B Nerine Amavisca, Noe Amavisca, Natalie Amavisca and Nadine Amavisca (GUARD/P)**

**Case No. 11CEPR00901**

Atty Gonzales, Yolanda (pro per Paternal grandmother/proposed guardian of Nerine and Natalie)  
 Atty Amavisca, Renee (pro per Petitioner/paternal aunt/proposed guardian of Noe and Nadine)  
 Atty Amavisca, Monica (pro per Objector/mother)

**Petition for Appointment of Guardian of the Person (Prob. C. 1510) (Renee Amavisca)**

|                                      |               |   |  |
|--------------------------------------|---------------|---|--|
| Nerine age: 10 years<br>DOB: 4/6/01  |               | <p align="center"><b><u>TEMPORARY EXPIRES 2/27/12</u></b></p>   | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This petition is as to NOE and NADINE ONLY.</b></p> <p>Minute order dated 12/12/11 states the Court orders Court Investigator Samantha Henson to interview the mother and children and conduct further investigation of mother's living conditions.</p> <p>6. Need <i>Notice of Hearing</i>.</p> <p>7. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:</p> <ul style="list-style-type: none"> <li>d. Samuel Amavisca (paternal grandfather)</li> <li>e. Rick Sandhu (maternal grandfather)</li> <li>f. Lupe Rios (maternal grandmother)</li> </ul> <p>8. UCCJEA is incomplete. Need residence information for the minors from 2006 to 11/24/10.</p> |
| Noe age: 9 years<br>DOB: 8/18/02     |               |   |  |
| Natalie age: 4 years<br>DOB: 7/19/07 |               | <p>RENEE AMAVISCA, paternal aunt, is petitioner.</p> <p>Father: SAMUEL AMAVISCA – deceased.</p> <p>Mother: MONICA AMAVISCA – <i>present in court on 12/12/11.</i></p> <p>Paternal grandfather: Samuel Amavisca<br/>                 Maternal grandfather: Rick Sandhu<br/>                 Maternal grandmother: Lupe Rios</p> <p>Petitioner states she feels it is in the best interest of the children that the Petitions (hers and Yolanda's) be approved. Allowing the children to go back with their mother would put them in danger. Included are photographs that show mom's everyday lifestyle. The pictures show her and others with guns. Her lifestyle is that of gangs, drugs, alcohol and neglect.</p> <p><b>Objections of Mother, Monica Amavisca filed on 10/19/11</b> states her husband died and she had to move out of her home because it was too much for them. She states she didn't have a permanent place to live so she asked Yolanda to take the kids until she got her apartment. Yolanda agreed and now that she has the apartment they don't want to give the kids back.</p> <p><b>Court Investigator Samantha Henson's Report filed on 11/30/11</b></p> <p><b>Court Investigator Samantha Henson's Report filed on 2/23/12</b></p> |  |
| Nadine age 2 years<br>DOB: 12/7/09   |               |   |  |
| Cont. from 121211                    |               | <p>Reviewed by: KT</p> <p>Reviewed on: 2/17/12</p> <p>Updates: 2/24/12</p> <p>Recommendation:</p> <p>File 16B - Amavisca</p>  |  |
| ✓                                    | Verified      |   |  |
|                                      | Inventory     |   |  |
|                                      | PTC           |   |  |
|                                      | Not.Cred.     |   |  |
|                                      | Notice of Hrg |   | X  |
|                                      | Aff.Mail      |   | X  |
|                                      | Aff.Pub.      |   |  |
|                                      | Sp.Ntc.       |   |  |
|                                      | Pers.Serv.    |   |  |
| ✓                                    | Conf. Screen  |   |  |
| ✓                                    | Letters       |   |  |
| ✓                                    | Duties/Supp   |   |  |
|                                      | Objections    |   |  |
|                                      | Video Receipt |   |  |
| ✓                                    | CI Report     |   |  |
|                                      | 9202          |   |  |
| ✓                                    | Order         |   |  |
|                                      | Aff. Posting  |   |  |
|                                      | Status Rpt    |   |  |
| ✓                                    | UCCJEA        |   |  |
|                                      | Citation      |   |  |
|                                      | FTB Notice    |   |  |

**16B**

**17 Jaylen Inez Ortiz & Agustin Jayden Leon (GUARD/P) Case No. 12CEPR00145**

Atty Villagomez, Guadalupe Garcia (pro per – paternal aunt/Petitioner)

**Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)**

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| Jaylen, 3<br>DOB: 05/11/08                        | <b><u>GENERAL HEARING 04/11/12</u></b>   | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. Fee waiver was denied on 02/14/12. Filing fees in the amount of \$265.00 is due.<br>2. UCCJEA is incomplete. Need children's residence address from birth to 02/06/12.<br>3. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Temporary Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for:<br>- Jose Agustin Leon (father) |
| Agustin, 2<br>DOB: 05/19/09                       | <b>GUADALUPE GARCIA VILLAGOMEZ</b> , paternal aunt, is Petitioner.<br><br>Father: <b>JOSE AGUSTIN LEON</b> – <i>incarcerated</i><br><br>Mother: <b>ROSEANA ORTIZ</b> – <i>personally served 02/12/12</i><br><br>Paternal grandfather: AGUSTIN LEON<br>Paternal grandmother: PETRA GARCIA AUMADA<br><br>Maternal grandfather: DECEASED<br>Maternal grandmother: IRENE ORONA<br><br>Siblings: ALFREDO LEON, ALYSSA ORTIZ<br><br>Petitioner states that the father is serving a life sentence and the mother was recently incarcerated, leaving no one to care for the minors. Petitioner states that the mother is a drug abuser and the home the children were living in with her was filthy and unfit for children. Petitioner states that she can provide a stable and loving environment for the children. |   |
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| <input type="checkbox"/> Video Receipt            |  |   |
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| <input type="checkbox"/> Status Rpt               |  |   |
| <input checked="" type="checkbox"/> UCCJEA        |  |   |
| <input type="checkbox"/> Citation                 |  |   |
| <input type="checkbox"/> FTB Notice               |  |   |
|   |  | <b>Reviewed by:</b> JF  |
|   |  | <b>Reviewed on:</b> 02/16/12  |
|   |  | <b>Updates:</b> 02/22/12  |
|   |  | <b>Recommendation:</b>  |
|   |  | <b>File 17 – Ortiz &amp; Leon</b>   |